

Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

March 19, 2018

9:30

Calendar No. 18-044:

1876 W. 47 Street (Parcel A)

Ward 3

Kerry McCormack

14 Notices

Robert Crawford, owner, proposes to construct two single family dwellings on a 3,780 square foot lot in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum lot width for two family dwellings in a "B" area districts is 50 feet and a 30 foot wide lot is proposed.
2. Section 355.04(a) which states that a minimum lot area of 6,000 square feet is required for a single family dwelling; a lot area of approximately 3,780 square feet is proposed.
3. Section 357.08 which states that the depth of required rear yard shall be not less than the height of the main building. The required rear yard for the rear building (garage w/studio) is 21'-0".
4. Section 357.09(b)(2)(A) which states that in a Two Family District no interior side yard, and except as provided in subsection (b)(1) hereof, in any use district no interior side yard on a lot occupied by a dwelling house shall be less than five (5) feet in width for a corner lot nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than 10 feet. However, the width of any such interior side yard shall in no case be less than ¼ height of the main building on the premises.
5. Section 357.09(b)(2)(B) which states that because the building mean height is approximately 26'-4" no interior side yard shall be less than 6'-6" where a 5'-0" side yard is proposed. Rear building garage w/studio, mean height is approximately 21'-0" thus no interior side yard shall be less than 5'-3".
6. Section 357.13(b)(4) which states that an open front porch shall not project more than 6'-0" and the proposed porch projects 8'-0".
7. Section 357.15(a) which states that a residence building may be erected in the rear of a main building in any use district if the required front, rear and side yards are provided and the distance between such buildings is no less than forty (40) feet.
8. Section 357.15 (c) which states that no building shall be erected less than ten feet from a main building on an adjoining lot. Proposed distance from main residence to adjacent residence is 5'-0". Proposed distance from garage with studio above to adjacent residence is 3'-0. (Filed February 14, 2018)

Calendar No. 18-047:

1262 West Boulevard

Ward 11

Dona Brady

10 Notice

F.W. Pinard Building Co., owner, proposes to erect a 55'x42' frame fee simple single family residence with attached garage in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.06(a) which states that the required front yard setback is 45 feet and 30 feet are proposed.
2. Section 357.09(2)(B) which states that no building shall be erected less than 10 feet from a main building on an adjoining lot within a Residence District; 0' and 33'-3" are proposed. Interior side yard shall not be less than one fourth the height of the main building on the same premises of 8'-6"; the appellant is proposing 33'-3" and 0'. The total width of the side yards on the same premises shall not be less than 10' and 0' and 33'-3" are proposed. (Filed February 20, 2018)

9:30

Calendar No. 18-048:

10011 Clifton Boulevard

Ward 11

Dona Brady

10 Notices

F.W. Pinard Building Co., owner, proposes to erect a 55'x42' frame fee simple single family residence with attached garage in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

3. Section 357.06(a) which states that the required front yard setback is 45 feet and 30 feet are proposed.
4. Section 357.09(2)(B) which states that no building shall be erected less than 10 feet from a main building on an adjoining lot within a Residence District; 0' and 37'-11" are proposed. Interior side yard shall not be less than one fourth the height of the main building on the same premises of 8'-6"; the appellant is proposing 37'-3" and 0'. The total width of the side yards on the same premises shall not be less than 10' and 0' and 33'-3" are proposed. (Filed February 20, 2018)

9:30

Calendar No. 18-049:

650 Harrison Street

Ward 3

Kerry McCormack

6 Notices

Allied Corporation, owner, proposes to establish use as hot mix asphalt plant on a parcel of land located in B3 Semi-Industry and General Industry. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.04(b) which states that the use is prohibited as the main or primary use of the premises and is permitted only as accessory or incidental to a permitted use and only if approved by the Board of Zoning Appeals through a Special Permit granted in accordance with the standards of division 345.04(c) of this section.
2. Section 345.04(a)(3) which states that open yard storage shall be enclosed within a minimum seven feet high solid masonry wall or slightly solid nontransparent well maintained substantial fence not closer to the street line than the setback building line.

3. Section 349.07(a) which states that accessory off street parking spaces, driveways and vehicle maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, and surfaced with concrete, asphalt, or other acceptable paving material maintained in good condition. No drainage or specific paving detail shown. Driveway and aprons must also be shown on plan. (Filed February 23, 2018)

9:30

Calendar No. 18-050:

17305 Grovewood Ave.

Ward 8

Michael D. Polensek

23 Notices

Hive City, LLC., owner, proposes to establish use as office and retail business in a C1 Local Retail Business District. The owner appeals for relief from the strict application of Section 349.04(g) of the Cleveland Codified Ordinances which states that accessory off street parking requirement: 5 parking spaces required; 2 parking spaces proposed. (Filed February 23, 2018)

9:30

Calendar No. 18-051:

3600 Euclid Avenue

Ward 7

Basheer S. Jones

8 Notices

IUOE Local 18, owner, proposes to install a new 6 foot tall wrought iron fence in a C4 Local Retail Business District. The owner appeals for relief from the strict application of Section 358.05(a)(2) which states that a fences in the actual front yard or side street yard shall not exceed 4 feet in height and a 6 feet high fence is proposed. (February 28, 2018)

Calendar No. 18-57:

3333 Lorain Avenue

Ward 3

Kerry McCormack

43 Notices

K & Z Mutual Realty, owner, proposes to establish use as Planet Fitness (indoor recreational use) in a D3 Local Retail Business District and a Pedestrian Retail Overlay District (PRO) The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.11 which states that recreational uses are first permitted in the General Retail Business District.
2. Section 343.23(e)(2)(A) which states that off-street parking is a conditional use to be approved by the City Planning Commission.
3. Section 343.23(e)(2)(B) which states that driveways that extend across a public sidewalk are a conditional use to be approved by City Planning Commission.
4. Section 343.23(e)(2)(D) which states that any building-enclosed use that does not have a public pedestrian entrance from the Pedestrian Retail Street Frontage is a conditional use to be approved by City Planning Commission.
5. Section 343.23(e)(2)(E) which states that any use with more than forty (40) feet of frontage along the Pedestrian Retail Street Frontage is a conditional use to be approved by the City Planning Commission; all Conditional uses are subject to the Criteria for Conditional Uses in Section 346.23(f)
6. Section 349.07(b) which states that accessory off-street parking spaces shall be provided with wheel or bumper guards; none are proposed.
7. Section 352.03(a) which states that an 8 foot wide transition strip is required where a rear or interior side lot line abutting or across a court or alley right-of-way from a zoning district with

a lower index number as required by the table contained in Section 352.09; none are proposed.

8. Section 352.12 which states that a table containing contents of landscaping plan is required.
9. Section 352.10 which states that a minimum width for a landscaped frontage strip is six (6) feet and proposed width is (4) 4 feet. (Filed March 1, 2018)

POSTPONED FROM FEBRUARY 26, 2018

9:30

Calendar No. 17-347: 1260/1212 Sumner Avenue Ward 5
Phyllis E. Cleveland
12 Notices

1235 Euclid Ave. Cleveland LLC., owner, proposes to establish a 99 space parking lot in an E5 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 352.10 which states that a 6 foot wide frontage landscape strip is required along Sumner Avenue where parking abuts the street and no landscaping is proposed.
2. Section 349.07(b) which states that a driveway shall not be located less than 15 feet from adjacent property line; driveway is proposed at the intersection of Bronson Court and E. 12 Street property line.
3. Section 352.10(e) which states that a minimum 100 square foot island strip is required to separate parking spaces to no more than 20 parking spaces in a row; proposed lot has 22 parking space rows by Bronson Court and Sumner Avenue.
4. Section 341.02 which states that no building permit shall be issued by the city in Design Review Districts without design approval by the City Planning Commission; project has been denied by CPC. (Filed November 14, 2017- Testimony Taken) *THIRD POSTPONEMENT WAS MADE AT THE REQUEST OF THE APPELLANT AS THE CITY PLANNING COMMISSION REVIEW IS NOT COMPLETE. SECOND POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME TO WORK WITH CITY PLANNING COMMISSION. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO BE REVIEWED BY CITY PLANNING COMMISSION.*

POSTPONED FROM FEBRUARY 12, 2018

9:30

Calendar No. 18-33: 5805-5813 Hough Avenue Ward 7
Basheer Jones
8 Notices

Sterling Pettway, owner, proposes to establish use as a fence contracting company with outdoor storage and to install an 8 foot tall chain link fence D2 Multi-Family Residential District. The owner appeals for relief from the strict application of Section of the following sections of the Cleveland Codified Ordinances:

1. Section 345.03(c)(33) which states that warehouse and outdoor storage use is first permitted in Semi Industrial District. Any material stored in unenclosed premises to a height greater than 4 feet above the grade level shall be a surrounded by a substantial 7 foot high wall or fence erected to observe all required building lines and chain link fence proposed.
2. Section 349.01 which states that a parking area in amount of 15% of the gross lot area is required and no off street parking proposed.

3. Section 349.07 which states that all vehicle maneuvering areas shall be paved and drained within the lot. Only one driveway shall be permitted for each 100 feet of frontage. No driveway shall be so located that there would be less than 15 feet between the point of tangency of the driveway apron radius and the outside crosswalk the proposed new driveway is directly adjacent to the crosswalk.
4. Sections 352.08 through 352.11 which state that eight feet of landscaped transition strip is required where a Semi-Industry District would abut a Multi-Family District. Installation is required of screening with 75% or greater opacity of sufficient height to conceal uses specified herein (outdoor storage) from view from the ground floor level on adjoining properties and from the street and no landscaping proposed.
5. Section 358.04 which states that in residential districts, fences in actual front yards and in actual front yards and in actual side street yards shall not exceed 4 feet in height. Fences in actual rear yard and actual interior side yard shall not exceed 6 feet in height.
6. Section 358.04(b) which states that in residential districts, only ornamental fences shall be installed in actual front yards. (Filed January 26, 2018)

9:30

Calendar No. 17-358: 5809 Hough Avenue

**Ward 7
Basheer Jones
8 Notices**

Sterling Pettway, owner, proposes to install an (8) eight feet tall chain link fence in a D2 Multi-Family Residential District. The owner appeals for relief from the strict application of Section of the following sections of the Cleveland Codified Ordinances:

1. Section 358.04(a) which states that fences in actual front yard and in actual side street yards shall not exceed four (4) feet in height
2. Section 358.04(b) which states that in Residential Districts, only ornamental fences, as defined herein, shall be installed in actual front yards and in actual side street yards if located within four (4) feet of the side street property line. The Board of Zoning Appeals may however permit a chain link fence if the Board determines that such fence is common in the immediate vicinity of the subject property. (filed December 4, 2017-Testimony Taken)

9:30

Calendar No. 17-359: 5813 Hough Avenue

**Ward 7
Basheer Jones
8 Notices**

Sterling Pettway, owner, proposes to install an (8) eight feet tall chain link fence in a D2 Multi-Family Residential District. The owner appeals for relief from the strict application of Section of the following sections of the Cleveland Codified Ordinances:

1. Section 358.04(a) which states that fences in actual front yard and in actual side street yards shall not exceed four (4) feet in height
2. Section 358.04(b) which states that in Residential Districts, only ornamental fences, as defined herein, shall be installed in actual front yards and in actual side street yards if located within four (4) feet of the side street property line. The Board of Zoning Appeals may however permit a chain link fence if the Board determines that such fence is common in the immediate vicinity of the subject property. (filed December 4, 2017-Testimony Taken) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO*

ALLOW FOR TIME FOR FURTHER REVIEW. POSTPONED AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO MEET WITH THE CITY PLANNER ABOUT THE PROPOSED STORAGE USE.

POSTPONED FROM FEBRUARY 12, 2018

9:30

Calendar No. 18-14:

8700 Denison Avenue

Ward 14

Jasmin Santana

29 Notices

Mihai Dobre, owner, proposes to erect a storage building on a vacant lot and use property as storage on a parcel of land that is located in a B1 Two-Family Residential and a C2 Local Retail Business. The owner appeals for relief from the strict application of Sections 337.03 and 343.01 of the Cleveland Codified Ordinances which state that storage is not permitted as a main use of property in Residential or Local Retail Business zoning district but is first permitted in Semi-Industry District. (January 16, 2018-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE DEVELOPMENT CORPORATION TO ALLOW FOR TIME FOR A COMMUNITY MEETING.*